



MAINE REAL ESTATE NEWS



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2001 CHAIRMAN JEFFREY MITCHELL



At its January 18 meeting, the Commission unanimously elected Jeff Mitchell to serve as chairman for the second time since his appointment to the Commission. Jeff previously served as chairman in 1996.

Jeff was first appointed to the Commission by Governor John McKernan in 1993 and is currently serving his 3rd term. He is president and designated broker for Village Realty Inc./GMAC Real Estate in East Wilton serving greater Franklin County. He is past president of the Real Estate Educators Association of Maine and was the Androscoggin Valley Board of REALTORS® Realtor of the Year in 1997.

Jeff also serves on the Commission's Ad Hoc Committee responsible for maintaining and updating the licensing examinations question pool and is currently involved with the development of the Commission's new core course on fair housing.

Jeff is a 1977 graduate of the University of Maine at Orono with degrees in Management and Finance. He is a licensed pilot and flies his own antique airplane.

GOV. KING APPOINTS NEW MEMBERS

Earl Black, Glenna Nowell & Sharon Millett

Newest Commission Members

Glenna G. Nowell of Gardiner was appointed as public member on May 23, 2000, replacing longtime public member Peter White. Previous to her appointment to the Commission, Ms. Nowell served as Gardiner City Manager for four years, retiring in March 2000. She also served as Director of the Gardiner Public Library from 1974 to 1996, during which time she was responsible for instituting the state's first video loan program and establishing the library's geneology room. Ms. Nowell publishes an annual celebrity reading list titled "Who's Reading What?" that includes favorite titles for scores of celebrities. Ms. Nowell has a long history of public service including a 12-year tenure on the Board of Directors for the Gardiner Board of Trade, 8 years with the Maine Library Commission and 18 years with the Maine Library Association Executive Board. She has also served on the Governor's Commission on the Employment of the Handicapped and is past president of the Maine Library Association.

Ms. Nowell also has many community service awards to her credit, including the Hugh Hefner First Amendment Award for her efforts against censorship. She graduated from the University of Maine, Orono with a BA in English and lives in Gardiner.

Sharon A. Millett was appointed on November 8, 2000, following the retirement of industry member Norma Rice. She is owner and designated broker of Coldwell Banker Millett Potvin Realty in Auburn, a full-service residential and commercial brokerage firm with a sales force of 35.

Ms. Millett comes to the Commission an experienced veteran having previously

served on the Commission from 1987 to 1993 as both a general industry member and chairperson. She is also a former member of the Association of Real Estate License Law Officials, and served as President of the National Association of REALTORS® in 1999.

Ms. Millett served as Chair of the Fannie Mae National Advisory Council for 2000 and also Chaired the Presidential Advisory Group on Agency Law for the National Association of REALTORS®, whose report has resulted in changes to agency laws and rules in 43 states over the past five years. She served as President of the Maine Association of REALTORS® in 1985. She lives in Poland Spring with her husband, Jerry.

Earl Black of Bangor was appointed On January 27, 2001, succeeding former industry member Willard E. Riley. Mr. Black is a long time Bangor area real estate professional and is currently owner and designated broker of Town & Country.

Mr. Black began his real estate career in 1975. In 1980, he and a partner established Soucy-Black Agency, which has since evolved to Town & Country, one of the largest real estate agencies in Northern Maine with offices in Bangor, East Millinocket, Ellsworth, Dover-Foxcroft and Unity.

He has been active in real estate education, having taught several pre-license level courses as well as continuing education courses. He earned his GRI designation in 1979. Mr. Black is a graduate of Monmouth High School and Augusta School of Business and served two years active duty in the Naval Reserves.

NEW DEVELOPMENTS

- * Improved Web Site * Continuing Education Audit * New Core Course Coming * Renew On-Line
 * Office of Licensing & Registration Late Renewal Rule Proposed * Out-Sourcing Real Estate Exams

Ö CONTINUING EDUCATION AUDIT

The Commission recently approved a new method of monitoring compliance with the continuing education requirement. Presently, the Commission must verify that you have completed 15 hours of approved education before your active license can be renewed. If the Commission is unable to verify that you have completed the 15 hours, your license cannot be renewed. Under the new plan, continuing education will not be verified nor will you be required to submit course certificates at the time of renewal. However, you will be required to indicate on your renewal application that you have or have not complied with the continuing education requirement. If you indicate that you have complied, your license will be renewed. If you indicate that you have not complied, your renewal will be delayed pending completion of the 15 hours.

Once a month, the Commission will audit a random sampling of the licensees who renewed within the previous 30 days. You will be notified if you are chosen for audit and required to submit proof of having completed 15 hours of continuing education. Remember, your continuing education must always include 3 hours for the core course.

The audit process will be implemented beginning January 1, 2002. All active licenses due for renewal or renewed on or after January 1 will be subject to the new process. Once the plan is underway, course providers will no longer report attendance rosters to the Commission and we will no longer maintain records as to the number of hours you have accumulated or the specific courses you have completed. Therefore, it is particularly important that you begin tracking your courses now. Be sure you receive certificates for all courses you complete and store them in a safe place. If you are audited, the Commission will not be able to verify by its records any continuing education completed January 1, 2002 or later.

Ö LATE RENEWAL FEE POSSIBLE The Office of Licensing & Registration will propose a rule that would require all the agencies under its' umbrella, including the Real Estate Commission, to assess a \$50 late fee for any license renewed after the license has expired but within 90 days of the expire date. As proposed, the \$50 late fee will be the only penalty imposed. The rule will impact both active and inactive licensees.

A public hearing will be held to receive comments regarding the proposed late fee and will be advertised on the Office's website. As of the date of this newsletter, the Office has not scheduled the hearing date. The proposed rule will be advertised Wednesdays in the weekly rulemaking section of the following newspapers: Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal and Waterville Morning Sentinel.

Ö WEB SITE Our new and improved web site is up and running. You may reach us from the Office of Licensing &

Registration's home page at www.maineprofessionalreg.org. Just click on the button titled "View List of Licensed Professions" and choose the Real Estate Commission from the list. The new site contains information about becoming licensed, renewal requirements, Commission meetings and the exam schedule as well as printable exam and original license applications. You can even submit your license renewal application online (see Renew On-Line below).

Agency Relationships Form 2 is available online as well. You can print a hard copy directly from the Commission's web page or download the file to your own harddrive. Just remember, no changes may be made to Form 2, it must be distributed exactly as it appears online, whether you do so on paper or electronically.

Ö NEW CORE COURSE It's that time again. The Commission is in the process of developing a new core course. The topic is Fair Housing. Although the course should be available by July 1, it will not be required until January 1, 2002. From July 1 to December 31, 2001 you may use either Core Course 2000 or the new Fair Housing course to satisfy the core requirement. Beginning January 1, however, ONLY the Fair Housing course will be accepted. The new core is a specific course on fair housing developed by the Commission; other courses on fair housing may not be substituted and will not satisfy the core requirement.

Ö RENEW ON-LINE You are now able to file your associate broker, broker, designated broker or agency renewal on-line. Just go to www.maineprofessionalreg.org, click on the RENEW NOW button and fill out the form. You will need your full license number, social security number and credit card handy. If our records show that you have fulfilled the continuing education requirement, your license will be renewed. Beginning January 1, 2002, your license will be renewed upon submission without verification of continuing education (see at left).

Ö OUT-SOURCING EXAMS The Commission is investigating the possibility of contracting with a national vendor to administer the licensing examinations. Our proposal includes a request for electronic administration of the exams at at least one learning center serving southern and northern Maine. We anticipate that exams will be available five days a week and may be scheduled at the examinee's convenience. We will also ask that exams be administered on computer and scored on the spot. Our goal is to facilitate the examination and licensing processes and also to free Commission staff for more technical tasks. We are in the beginning stages of this proposal and do not expect any changes to the method of exam administration until the new year at the earliest. We will keep you posted as new developments arise.

CURRENT CASES *Karen L. Bivins, Deputy Director*

In the past, **Maine Real Estate News** published names of licensees who received disciplinary action from the Maine Real Estate Commission which resulted in suspension or revocation of a license, and summaries only of other cases as information to licensees to help avoid future problems of a similar nature.

The Department of Professional and Financial Regulation has adopted a policy that all disciplinary actions posted on the Department's web sites will include the names of licensees. *(Please note that the Department web sites do not currently include this information, but will do so in the future.)* Therefore, **Maine Real Estate News** will now include the names of licensees in each disciplinary action reported, regardless of the type of disciplinary action imposed.



On April 13, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Debra E. Dinan of Oakland, Maine. Dinan is a sales agent who failed to disclose a criminal conviction. Dinan stated on her sales agent license application that she had not been convicted by any court of any offense. After the license was issued, the Director learned that Dinan had been convicted in 1986 of assault. After being contacted by the Director, Dinan submitted an amendment to the application disclosing the conviction.

Dinan was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On April 13, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Joseph C. Dionne of Cambridge, Maine. Dionne is a sales agent who failed to disclose a criminal conviction. Dionne stated on his sales agent license application that he had been convicted in 1996 of the offense of operating under the influence. After the license was issued, the Director learned that Dionne had also been convicted in 1996 of the Class D offense of assault. After being contacted by the Director, Dionne submitted an

amendment to the application disclosing three minor traffic violations, and a 1993 conviction of "dog at large" as well as the 1996 convictions for operating under the influence and assault.

Dionne was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On April 13, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Sharon J. Fetterman of Brunswick, Maine. Fetterman is a sales agent who failed to disclose a criminal conviction. Fetterman stated on her sales agent license application that she had not been convicted of a crime by any court. After the license was issued, the Director learned that Fetterman had been convicted in 1983 of theft. After being contacted by the Director, Fetterman submitted an amendment to the application disclosing the conviction.

Fetterman was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On April 13, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Thomas A. Folsom of Ellsworth, Maine. Folsom is a sales agent who failed to disclose a criminal conviction. Folsom stated on his sales agent license application that he had not been convicted of a crime by any court. After the license was issued, the Director learned that Folsom had been convicted in 1966 of malicious mischief and in 1973 of possession of marijuana. After being contacted by the Director, Folsom submitted an amendment to the application disclosing the convictions.

Folsom was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On June 22, 2000 the members of the Commission ratified their decision reached after a hearing on April 13, 2000 involving Bruce A. Delano of Bath, Maine. Delano submitted a sales agent license application and responded negatively to the question, "Have you ever been convicted of a crime by any court, other than minor traffic violations?"

Based upon the information provided in the application, a sales agent license was granted.

Subsequently the Director received information from the State Bureau of Identification that Delano had been convicted of petty larceny in 1975, criminal trespass in 1976, and criminal trespass in 1992. When contacted by the Director, Delano stated that he had a few convictions for operating under the influence, but that the Sheriff's Department had told him that he did not need to disclose them. Delano also stated that the Sheriff's Department told him he did not need to disclose the criminal trespass conviction. Delano agreed to provide a written amendment to his sales agent license application and to provide documents pertaining to the convictions. The Director did not receive anything further from Delano.

Delano was found in violation of 32 M.R.S.A. § 13067(1)(A), (D), and (L). The Commission members ordered the immediate revocation of Delano's sales agent license.



On June 22, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Charles L. Fox of Naples, Maine. Fox is a designated broker who failed to properly maintain his agency trust account and trust account records.

As the result of an office examination and trust account audit, it was discovered that Fox failed to maintain a current running balance for the trust account; failed to maintain copies of deposit slips necessary to verify and explain trust account record entries; failed to maintain records and supporting documents for a period of at least 3 years following the consummation of a transaction; failed to notify clients and customers that the agency trust account accumulated interest; failed to properly disburse interest earned on the account; failed to exercise a reasonable degree of supervision over employees preparing and maintaining records for the trust account; and failed to retain a signed or noted copy of Agency Disclosure Form #1 documents for a period of at least 2 years from the date of signature or note. In addition, Fox's con-

duct taken as a whole was found to be negligent.

Fox was found in violation of 32 M.R.S.A. §§ 13067(1)(F), (G), (H), and (I)(3), and 13178; Chapter 320 Sections 3(A), (E), and (F)(6), and Chapter 330 Section 9(F) of the Maine Real Estate Commission Rules in effect at the time. He agreed to pay a fine of \$1,000.00; complete one educational course; establish a written procedure establishing corrective steps to adequately maintain trust account records and supervise the account; immediately disburse to a charity the interest accumulated on the trust account; immediately post a conspicuous sign in public view notifying clients and customers that the agency trust account is interest bearing and identifying the organization(s) which will receive the benefit of the interest; and establish an office procedure to ensure all earnest money deposits are made within 3 business days of the acceptance of an offer.



On June 22, 2000 the members of the Commission accepted a consent agreement entered into by the Director and John C. Harmon of Scarborough, Maine. Harmon is a designated broker who failed to obtain information for making property disclosures and ensuring that disclosures were made to the buyers.

Harmon arranged to show a property listed with another company to a couple that he was representing. The couple informed Harmon that they had seen the property and the listing agent had provided a packet of information. During the completion of an offer from the buyers, Harmon reviewed with them the information provided by the listing agent. One of the documents included in the packet was a property disclosure form that did not include all the minimum requirements of the Maine Real Estate Commission Rules. Harmon did not ask the listing agent for additional information in order to make necessary property disclosures to his buyer clients. The offer was later rejected.

Subsequently, the buyers asked Harmon to assist in the preparation of another offer. The offer was accepted and an addendum was prepared acknowledging receipt of property disclosures, an environmental questionnaire, and lead paint disclosure. The property disclosure referenced was the same insufficient form received previously.

Harmon was found in violation of 32 M.R.S.A. § 13067(1)(F) and Chapter 330 Section 15(C) of the Maine Real Estate Commission Rules in effect at the time. He agreed to pay a fine of \$200.00.



On June 22, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Wade B. Trudel of Gray, Maine. Trudel is a broker who failed to furnish the buyer with a copy of Agency Relationships Disclosure Form #1.

Trudel met a buyer at a property he had listed. He presented the buyer with a property disclosure form, a data sheet, a survey, and a deed description. He did not provide a Form #1. Subsequently, a purchase and sale agreement was entered into by the buyer and seller and the sale closed. Trudel did not provide the buyer with Form #1 at any time during the transaction.

Trudel was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13279; and Chapter 330 Section 9(B) of the Maine Real Estate Commission Rules in effect at the time. He agreed to pay a fine of \$100.00.



On June 22, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Roland L. Bouffard of Biddeford Pool, Maine. Bouffard is a sales agent who failed to disclose a criminal conviction. Bouffard stated on his sales agent license application that he had not been convicted of a crime by any court. After the license was issued, the Director learned that Bouffard had been convicted in 1982 for failure to file a sales and use tax report. After being contacted by the Director, Bouffard submitted an amendment to the application disclosing the conviction.

Bouffard was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On June 22, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Kenneth J. Chubbuck of Skowhegan, Maine. Chubbuck is a sales agent who failed to disclose a criminal conviction. Chubbuck stated on his sales agent license application that he had not been

convicted of a crime by any court. After the license was issued, the Director learned that Chubbuck had been convicted of three counts of drinking in public, 2 in 1984, and 1 in 1985. Upon being contacted by the Director, Chubbuck disclosed 2 convictions for operating under the influence and a conviction for disorderly conduct in New Hampshire. He submitted an amendment to the application disclosing the convictions.

Chubbuck was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On July 20, 2000 the members of the Commission accepted a consent agreement entered into by the Director and David M. Buotte of Newport, Maine. Buotte is a sales agent who failed to disclose a criminal conviction. Buotte stated on his sales agent license application that he had been convicted of a crime and attached a letter describing the circumstances of 2 convictions for operating under the influence in 1992 and 1994. After the license was issued, the Director learned that Buotte had been convicted of obstructing government administration in 1982. After being contacted by the Director, Buotte submitted an amendment to the license application disclosing the 1982 conviction.

Buotte was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On September 14, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Virginia R. Reid of Northport, Maine. Reid is a designated broker who failed to obtain property disclosure information.

Reid listed a residential property and completed a property disclosure form that did not include the minimum information required by Commission rules. No written information was provided for the private water supply pertaining to its location, malfunctions, the date of installation, the date of the most recent water test, and whether the seller had experienced a problem such as an unsatisfactory water test or a water test with notations. No written information was provided as to whether Reid visually inspected the insulation contained in the attic, crawl space and exterior walls. Except for asbestos, no written information was provided about whether the property contained hazardous

materials. No written statement was provided encouraging buyers to seek information from professionals regarding any specific hazardous material issue or concern. Reid did not provide a lead based paint disclosure as required by HUD.

Reid stated that the property involved was the last residential property that her agency listed. During the investigation, Reid provided a property disclosure form which she was using for land listings, which was the type of property that her agency currently marketed. The form did not include a statement indicating whether the seller makes any representations about current or previously existing hazardous materials. The form was not sufficient for listing a residential lot in the areas pertaining to private water supply and waste disposal systems.

Reid was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and (G), 13273(1)(E), and Chapter 330 Section 15(A) of the Maine Real Estate Commission Rules. She agreed to pay a fine of \$500.00 and to submit for approval a property disclosure form complying with current requirements for use with land listings.



On September 14, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Diane L. Tyler of Bristol, Maine. Tyler is a sales agent who failed to disclose a criminal conviction. Tyler stated on her sales agent license application that she had not been convicted of a crime by any court. After the license was issued, the Director learned that Tyler had been convicted in 1980 of theft. After being contacted by the Director, Tyler submitted an amendment to the application disclosing the conviction.

Tyler was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On September 14, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Benjamin L. Adams of South China, Maine. Adams is a sales agent who failed to disclose a criminal conviction. Adams stated on his sales agent license application that he had not been convicted of a crime by any court. After the license was

issued, the Director learned that Adams had been convicted in 1997 of furnishing a place for a minor to consume alcohol. After being contacted by the Director, Adams submitted an amendment to the application disclosing the conviction.

Adams was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$200.00.



On September 14, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Joseph R. Gerardo of Auburn, Maine. Gerardo is a sales agent who failed to disclose a criminal conviction. Gerardo stated in his sales agent license application that he had not been convicted of a crime by any court. After the license was issued, the Director learned that Gerardo had been convicted in 1973 of illegal possession of marijuana. After being contacted by the Director, Gerardo submitted an amendment to the application disclosing the conviction.

Gerardo was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$100.00.



On September 14, 2000 the members of the Commission ratified their decision reached after a hearing on July 20, 2000 involving Larry E. Simpson of Standish, Maine. Simpson is a designated broker who failed to obtain property disclosure information.

Simpson listed for sale a property consisting of a business and a residence. He completed a property disclosure form that did not include all the minimum information required by Commission rules. The form did not include information about whether the seller had experienced a system or line malfunction for a public waste disposal system. The form indicated that information about insulation was unknown, but on another page Simpson indicated that the structure on the property was insulated. The disclosure form did not include a statement encouraging buyers to seek information from professionals about any hazardous material issue or concern.

During the investigation, Simpson provided a revised property disclosure form used by his agency. The form did not indicate in the private water supply section whether the seller has experienced an unsatisfactory water test or a water test with notations. The section pertaining to waste disposal did not

include information about the servicing of the system, and did not include a specific statement about any system or line malfunctions for public waste disposal systems. The hazardous materials section did not include an adequate statement encouraging buyers to seek information from professionals about any hazardous material issue or concern.

Simpson was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and (G), and Chapter 330 Section 15(A) of the Maine Real Estate Commission Rules in effect at the time. Simpson was ordered to pay a fine of \$500.00, to complete one educational course, and to submit for approval a property disclosure form complying with current Commission requirements.



On October 26, 2000 the members of the Commission accepted a consent agreement entered into by the Director and Mark I. Patterson of Sanford, Maine. Patterson is currently a broker. At all time pertinent to the matter, he was a designated broker.

An agent affiliated with Patterson's company listed a property for sale. A buyer was found and a purchase and sale agreement was negotiated. Patterson held the earnest money deposit in his trust account. Subsequently, the buyer reported an inability to obtain financing and requested the return of the deposit. The seller did not agree and Patterson considered the deposit in dispute when the buyer did not sign a release form agreeing to payment of the deposit to the seller. Patterson continued to hold the deposit in the trust account pending resolution of the dispute by the buyer and seller.

Patterson merged his company with another in May 2000. During the investigation, Patterson confirmed that during the merger, old files were destroyed in an attempt to discard unnecessary paperwork. The file for this transaction was one of the files destroyed, although termination of the transaction had occurred less than three years previously.

Patterson was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and (F), and Chapter 320 Section 3(E) of the Maine Real Estate Commission Rules. He agreed to pay a fine of \$2,000.00 and to complete the course "The Role of the Designated Broker" before applying for a designated broker license.



On January 18, 2001 the members of the Commission accepted a consent agreement entered into by the Director and Russell O. Johnson of Old Orchard Beach, Maine. Johnson is a sales agent who failed to disclose a criminal conviction. Johnson stated in his sales agent license application that he had not been convicted of a crime by any court. After the license was issued, the Director learned that Johnson had been convicted in 1997 of assault. After being contacted by the Director, Johnson submitted an amendment to the application disclosing the conviction.

Johnson was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1), and agreed to pay a fine of \$200.00.



On January 18, 2001 the members of the Commission accepted a consent agreement entered into by the Director and Bruce P. Ludka of Windham, Maine. Ludka is a designated broker who allowed an individual to conduct brokerage on behalf of the agency without being properly licensed to do so.

There was a sales agent licensed with Ludka's agency whose license expired on May 8, 2000. The individual did not become licensed as an associate broker until September 21, 2000. The individual continued conducting brokerage during that time period. Ludka did not take steps to ensure that the individual stopped conducting brokerage on behalf of the agency after expiration of the license.

Ludka was found in violation of 32 M.R.S.A. § 13067(1)(I)(2), and agreed to pay a fine of \$400.00.



On February 15, 2001 the members of the Commission accepted a consent agreement entered into by the Director and Peter J. McLeod of South Portland, Maine. McLeod is an associate broker who accepted a fee from a builder without informing his designated broker.

McLeod represented a buyer who purchased a piece of land. At some point the buyer asked McLeod to recommend a builder, which McLeod did. The builder was one of four from whom the buyer obtained building quotes. The buyer selected the recommended builder. At some point the builder contacted McLeod and asked him if he would accept \$4,000 for referral. McLeod

did not consult his designated broker, accepted payment directly from the builder, and did not tell his designated broker that he had received the fee.

McLeod was found in violation of 32 M.R.S.A. § 13067(1)(F) and Chapter 330 Section 14 of the Maine Real Estate Commission Rules. McLeod agreed to pay \$4,000 to the builder.



On February 15, 2001 the members of the Commission ratified their decision reached after a hearing on January 18, 2001 to revoke the sales agent license of Johnna L. Jordan of Gardiner, Maine.

Jordan stated on her sales agent license application that she had been convicted in May 2000 of three charges of negotiating a worthless instrument. After the license was issued, the Director learned that Jordan had been convicted in 1989 of five charges of negotiating a worthless instrument.

The Director contacted Jordan about the convictions. In a later letter, Jordan stated that she did not disclose the 1989 convictions because she thought they would not be of interest due to their age. The Director later learned that Jordan had two more convictions in 1989 and one in 1987 for negotiating a worthless instrument under different names.

In a meeting with the Director, Jordan disclosed a 1994 conviction for assault. She also stated that she intentionally did not provide complete information about her convictions when applying for her sales agent license.

Jordan was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and (D). The Commission members ordered the immediate revocation of her sales agent license, with the provision that she not reapply for a period of one year, at which time additional restrictions would be required before issuance of a license.



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LATE RENEWALS RESULT IN FINES

Between April 13, 2000 and February 15, 2001, the members of the Commission have accepted 9 consent agreements, all of which involved licensees who failed to renew their licenses before the expiration date and continued conducting brokerage while not properly licensed, or conducted brokerage on behalf of an agency without being properly licensed with that agency.

The time periods varied from 5 days to 109 days. Fines were imposed ranging from \$100.00 to \$2,000.00.

Be sure to renew your license on time to avoid incurring penalties. A lapse of even one day may mean a fine if you continue to practice brokerage. If you are not able to renew on time, you must cease all brokerage activity upon your license expire date and until your license is renewed.

LEGAL ADVICE

The Maine Real Estate Commission receives numerous inquiries from licensees and the public regarding real estate matters that require the advice of an attorney.

Commission staff are not attorneys and cannot give legal advice either to licensees or the public. Staff may be able to cite statutory provisions or regulations which may be applicable to licensing questions, but they cannot determine ultimate legal conclusions or give any direction in non-licensing matters.

Licensees who have questions regarding interpretation of contracts, commission disputes or other issues not within the purview of the Real Estate Commission should discuss the matter with their designated broker, and if legal advice is needed, consult an attorney.

CONTINUING EDUCATION COURSES April - June 2001

The Commission has received notification that the courses listed below are to be offered on the dates indicated. All the courses listed are approved for continuing education credit. Other approved courses may be available that do not appear on this list. Contact the course provider for more information or to register for a course.

Date	Course Name	Hours	Location	Course Provider	Phone
4/10/01	Multiple Offers: The Licensee's Role	3	Westbrook	Arthur Gary Schl of R E	856-1712
4/10/01	Core Course 2000: DB	3	Kittery	" "	"
4/11/01	Shoreland Zoning Update	3	Bangor	Center for R E Education	874-6520
4/17/01	Keeping Lawyers at Bay	3	Meredith, NH	Stewart Title of No NE	603/332-7333
4/18/01	Basics of Resident'l Mortgage Lending	6	Portland	Lorman Business Center	715/833-3940
4/18/01	Due Diligence as a Buyer Broker	3	Westbrook	Arthur Gary Schl of R E	856-1712
4/18/01	Procuring Cause: What is it all About	3	Westbrook	" "	"
4/26/01	Core Course 2000: DB	3	Portland	Center for R E Education	874-6520
4/26/01	Buyer Agency Risk Reduction	3	Portland	" "	"
5/1/01	Making the Sale	3		Kathy Roosa Schl of R E	351-3335
5/1/01	Advanced Financing	3	Westbrook	Arthur Gary Schl of R E	856-1712
5/1/01	Eviction & Landlord/Tenant Law in ME	6	Portland	National Business Inst.	715/835-8525
5/1/01	Due Diligence as a Buyer Broker	3	Bangor	Arthur Gary Schl of R E	856-1712
5/7/01	Core Course 2000: DB	3	Augusta	" "	"
5/7/01	Making Decisions the REALTOR Way	3	Augusta	" "	"
5/15/01	Know Your Contracts	3		Kathy Roosa Schl of R E	351-3335
5/24/01	ME Economy, Housing & Demographics	3	Portland	Center for R E Education	874-6520
6/5/01	Making the Sale	3		Kathy Roosa Schl of R E	351-3335
6/26/01	Fair Housing & the ADA	3		" "	"

PRE-LICENSE COURSES

As of March 7, 2001, the schools listed below have received approval to offer the pre-licensing courses indicated. Contact the school for information about dates and locations or to register for a course.

	<div style="display: flex; justify-content: space-around;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Approved for Licensee's Training</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Approved for Broker's Training</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Approved for Broker's Sales</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Approved for Salesperson's Training</div> </div>				bPhone
Arthur Gary School of Real Estate		x	x		856-1712
Center for Real Estate Education	x	x	x	x	874-6520
Central Maine Technical College	x				784-2385
Coldwell Banker Real Estate School		x	x		775-6055
Ellsworth Adult Education	x	x	x	x	667-6499
Foster Real Estate Enterprises		x	x		667-7480
Maine Real Estate Training Acad		x	x		693-4715
Massabesic Adult Education				x	247-3221
Mid-State College	x				623-3962
MSAD 4 Adult Education, Guilford			x		876-4263
Rangeley Adult Education			x		864-2028
Southern Maine Technical College	x				767-9529
United Technology Center			x		942-5296
University of Maine Augusta	x				621-3288
York County Technical College	x				646-9282

CONTINUING EDUCATION BY DISTANCE LEARNING

In addition to live courses, continuing education may also be fulfilled by distance learning (correspondence courses). The providers listed here all offer distance learning courses. Contact the provider for more information about the courses offered and registration procedure.

Provider	Delivery Method
Arthur Gary Schl of RE 856-1712	Traditional Text Audio Cassette
Center for R E Educ 874-6520	Traditional Text Video Cassette Computer CD Internet
Real Estate WebSchool 800/532-7649	Computer CD Internet
RECampus 312/836-4400	Internet
REBED 336-2028	Traditional Text Audio Cassette
Signet Educ Systems 774-5740	Traditional Text
Worcester Associates 943-5501	Traditional Text

COMMISSION MEMBERS

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David C. Kitchen, Industry

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Glenna G. Nowell, Public

☞ Gardiner ☞

Celeste M. Viger, Public

☞ Portland ☞

DESIGNATED BROKERS

Per the provisions of 32 MRSA §13180, when a licensee terminates relationship with your agency, you are required to return the license to the Commission *immediately* along with a copy of the letter you send to the licensee advising him/her that the license is being returned.

Licensees remain affiliated with your agency and under your responsibility until the Commission is notified that the relationship has been terminated.

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624-8563

FAX
624-8637

WEB www.maineprofessionalreg.org

REMEMBER

**YOU MUST NOTIFY THE
REAL ESTATE COMMISSION WITHIN
10 DAYS OF ANY CHANGE TO
YOUR LICENSE**

Changes must be registered by filing the appropriate application and \$20 fee. Changes that must be registered for individual licensees include

- change of personal address
- change of name
- change of company
- activate or inactivate your license.

Changes that must be registered for agencies include

- change of agency mailing or physical address
- change of legal or trade name
- change of designated broker.

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**DEPARTMENT OF PROFESSIONAL
& FINANCIAL REGULATION
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